

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/686,376 Confirmation No. 6330  
Applicant : Andrew Steven Hildebrant  
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Examiner : Tsai, Carol S. W.  
  
Docket No. : 10030556-1

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

The Examiner issued a Notice of Allowance on January 31, 2005. Attached to the Notice of Allowance was a comment that U.S. Publication 2003/0033099 of Sherlock, in view of U.S. Patent No. 5,052,024 to Moran, III, et al. are "closest to the claimed invention". The Examiner then recites a hypothetical method that is taught by these references. However, the Examiner does not indicate which reference teaches which element of the hypothetical method.

The hypothetical method set forth by the Examiner is not Applicant's method. Further, Applicant cannot ascertain the correspondence of elements in the Examiner's hypothetical method with elements recited in Applicant's claims. What Applicant *can* ascertain about Sherlock is that Sherlock teaches "Identifying data loss in a transmission system", wherein:

Identifying data loss in a transmission system includes shifting one of a received waveform and a transmitted waveform, determining differences between the transmitted and received waveforms at various shift points, and identifying a smallest of the differences between the transmitted and received waveforms. A plot of the differences relative to the shift points may be generated. The smallest of the differences may be a low vertex point on the plot.

Sherlock, Abstract.


What Applicant *can* ascertain about Moran, III, et al. is that Moran, III, et al. teaches an "Offset frequency multipoint modem and communications network" wherein:

In a multipoint data communications system used with analog communications channels that may insert undesirable frequency offsets in a modem carrier frequency, a slave modem that adjusts its transmit carrier frequency compensates for the offset influenced communications channel. A central modem device does not have to train up to slightly offset frequencies when the communications channel is effectively removing the offset added by a slave modem at its transmitter site.

See, Moran, III, et al., Abstract.

Respectfully submitted,  
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By:



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